

**MEETING OF THE CITY COUNCIL OF
THE CITY OF HOMEWOOD, ALABAMA**

July 24, 2017

The City Council of the City of Homewood, Alabama convened in Regular Session on Monday, July 24, 2017 at City Hall at 6:00 p.m.

The invocation was given by Pastor Christian Cheairs from Trinity Methodist Church/Oakmont Campus, after which the Pledge of Allegiance was given.

The meeting was called to order by President Bruce Limbaugh at 6:00 p.m.

Upon Roll Call, the following were present: Andy Gwaltney, Britt Thames, Mike Higginbotham, Barry Smith, Alex Wyatt, Jennifer Andress, and President Limbaugh. Also present were: Mike Kendrick, City Attorney; Melody Salter, City Clerk; J.J. Bischoff, Chief of Staff; and Mayor Scott McBrayer. Absent: Andrew Wolverton, Patrick McClusky, Walter Jones, and Peter Wright.

President Limbaugh stated that the reading of the minutes of the Council Meeting of July 10, 2017 would be carried over.

President Limbaugh asked if the Council had any recommendations or appointments to be made regarding board vacancies.

Councilor Higginbotham moved to appoint Ms. Arden Blackwell to the Ward 2 Arts Advisory Council position. Councilor Andress seconded the motion.

President Limbaugh asked if the Council had any questions or comments regarding the motion. There was no response from the Council.

On a voice vote, the motion carried without dissent.

Councilor Andress moved to open the At-Large Arts Council position with a closing date set for August 7, 2017.

President Limbaugh amended the published Agenda to add the following items to the Old Business Agenda: From the Special Issues Committee: Item No. 22.06.17 – Request for consideration to work in the public right-of-way at 1250 Columbiana Road – Sandie Owens/Greg Cobb/Building, Engineering and Zoning Department; From the Public Safety Committee: Item No. 02.06.17 – Request for consideration of an ABC 070 – Retail Table Wine (Off Premises Only) license for Quality Wines LLC d/b/a Classic

Wine Company located at 1831 28th Avenue S, Suite N110 – City Clerk (For New SOHO Location).

President Limbaugh further amended the published Agenda to add the following items to the Committee Referral Agenda: Item No. 25.07.17 – Request for presentation by Daniels Communities – Britt Thames – Planning and Development Committee.

Councilor Thames moved for the approval of the Agenda as amended. Councilor Gwaltney seconded the motion.

President Limbaugh asked if the Council had any questions or comments regarding the motion. There was no response from the Council.

On a voice vote, the motion carried without dissent.

CONSENT AGENDA

16.09.16 Request for consideration for one-way traffic on Ardsley Road – **Britt Thames (Tabled at 11/21/16 Council Meeting)**

Action Taken: The Public Safety Committee met on 7/17/17 and voted 4-0 to recommend to take this item off the table. The motion was made by Councilor Wyatt and seconded by Councilor Thames. The Public Safety Committee also voted 4-0 to drop this item. The motion to drop was made by Councilor Wyatt and seconded by Councilor Thames.

15.03.17 Request to address traffic/safety concerns on Oxmoor Road between Theda Street and Morris Boulevard – **Walter Jones (Carried over 7/10/17)**

Action Taken: This item was dropped after the Public Safety Committee heard from Mr. Thames about all the steps the City has taken to address this item. The motion to drop was made by Councilor Wyatt and seconded by Councilor Andress and passed 4-0.

03.07.17 Request for consideration of allowing an art district to allow for “tiny houses” and feature on HGTV –Laurel Creager and Barry Smith

Action Taken: After hearing from Laurel Creager the Special Issues Committee dropped this item and referred to the Planning Commission. The motion to drop was made by Councilor Higginbotham and seconded by Councilor McClusky and passed 5-0

09.07.17 Request for presentation by Chamber of Commerce – **Alex Wyatt**

Action Taken: This item was dropped after the Special Issues Committee heard a presentation from Meredith Drennen of the Chamber of Commerce. The motion to drop was made by Councilor Andress and seconded by Councilor Higginbotham and passed 5-0.

Councilor Higginbotham moved for the approval of the Consent Agenda. Councilor Smith seconded the motion.

President Limbaugh asked if the Council had any questions or comments regarding the motion. There was no response from the Council.

On a voice vote, the motion carried without dissent.

OLD BUSINESS

The first item considered under Old Business was Item No. 12.05.17 – Request for consideration of Petition of Annexation for the property located at 1400 Shades Crest Road – Melba Kane/Jolene Mills/City Clerk.

Councilor Thames stated that the Planning and Development Committee met on July 17, 2017 and voted 3-0 to recommend the publication of a public hearing relative to this annexation request set for November 13, 2017 at 6:00 p.m.

President Limbaugh asked if the Council had any questions or comments regarding the Planning and Development Committee's recommendation. There was no response from the Council.

At this time, Mr. Kendrick presented the following Resolution for the Council's consideration:

Resolution No. 17-114

(A Resolution of acceptance of petition for annexation of property located at 1400 Shades Crest Road and notice of public hearing for consideration of said petition)

Councilor Thames moved for the adoption and enrollment of Resolution No. 17-114. Councilor Wyatt seconded the motion.

President Limbaugh asked if the Council had any questions or comments regarding the motion. There was no response from the Council.

On a voice vote, the motion carried without dissent.

President Limbaugh stated that the Public Hearing was set for November 13, 2017 at 6:00 p.m.

The next item on the Agenda under Old Business was Item No. 27.06.17 – Public Hearing held July 10, 2017 at 6:00 p.m. to consider declaring the property located at 618 Hambaugh Ave., PID# 29-00-14-4-011-024.000 a public nuisance due to a violation of Ordinance’s 1910 & 1750 “Excessive Growth.”

Mr. Scott Cook addressed the Council and stated that this property was owned by Mr. Reginald Marcum and he went by to follow up on the work and Mr. Marcum had done a remarkable job. Mr. Cook further stated that he was satisfied with the work completed at the property and recommended dropping this Item.

Councilor Smith moved to drop this Item. Councilor Wyatt seconded the motion.

President Limbaugh asked if the Council had any questions or comments regarding the motion. There was no response from the Council.

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 28.06.17 – Public Hearing held July 10, 2017 at 6:00 p.m. to consider declaring the property located at 1705 26th Ave, So., PID# 28-00-07-3-006-001.000 a public nuisance due to a violation of Ordinance’s 1910 & 1750 “Excessive Growth.”

Mr. Scott Cook addressed the Council and stated that this property was owned by Mr. Mamoun Eltahir and as they could see from the pictures he had done a good job getting everything cut back and the dead tree removed as well as the litter and clutter that was in the backyard so he recommended dropping this Item.

Councilor Smith moved to drop this Item. Councilor Gwaltney seconded the motion.

President Limbaugh asked if the Council had any questions or comments regarding the motion. There was no response from the Council.

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 32.06.17 – Public Hearing held July 10, 2017 at 6:00 p.m. to consider declaring the property located at 1575 Valley View Cir., PID# 29-00-12-4-007-012.000 a public nuisance due to a violation of Ordinance’s 1910 & 1750 “Excessive Growth.”

Mr. Scott Cook addressed the Council and stated that this property was owned by Mr. John Rives and the young man who spoke at the last meeting called him and was

very apologetic because he could not fulfill everything he said he could do but he had contacted the homeowner and the homeowner stated it would be taken care of fully by 6:00 p.m. tonight. Mr. Cook further stated that he went by the property just before the meeting and work was only about half complete so the property was still in violation.

Mr. John Rives addressed the Council and stated that he apologized about this still being an issue but he had initially planned to sell the property to the tenet that was previously living there but that fell through and that tenet for a couple of years had been taking care of all the maintenance but didn't do a great job with it but that was the reason it got out of control. Mr. Rives further stated that now that they were getting it under control they would have it in better shape and would not have the issue again. Mr. Rives added that in the short time between now and when the tenets told him about the issue he called Gray's Tree Service which was one of the more reliable companies and they said they would be out within three weeks but they dropped the ball and it came down to the last hour when he found out they were not going to be able to get the work done so he scrambled to try to find somebody else and they were both out there all day today but had to work around the rain and they did make some progress between noon and 5:00 p.m.

Mr. Cook stated that he was on the property at noon and 5:00 p.m. today but nobody was there.

Mr. Rives stated that he understood if they needed to take action but they were hoping to get things done with Gray's Tree Service but they were not working out for them but they did the best they could.

President Limbaugh stated that he appreciated his money and effort to try to solve this but they could not continue to carry this over. President Limbaugh further stated that his thoughts were that they could carry it over one more time and he would come out ahead if he would address this himself.

Councilor Thames stated that he disagreed with carrying it over and that this property had been a problem for a long time and if he was truly interested in cleaning up the property he could work to have it cleaned before the city crews got there.

Councilor Smith asked how long it would take before the crews would get started once it was declared a public nuisance.

Mr. Cook replied that the crews could go the next day but the owner could still continue cleaning and since he did not know the crew's time frame he might be able to make a difference before they got there.

Councilor Thames stated that he would not have an issue if the Street Department took a couple of days to get over there but he did not see any reason why they should delay this another three weeks.

Mr. Rives stated that he agreed with Councilor Thames that it was not necessary to give him to the next meeting but if they could just give him a couple of days before they scheduled the cleaning crew to come by he could have it cleaned up to the point that the crews would not have anything to do when they got there.

At this time, Mr. Kendrick presented the following Resolution for the Council's consideration:

Resolution No. 17-115

(A Resolution declaring the property located at 1575 Valley View Cir., PID# 29-00-12-4-007-012.000 a public nuisance due to a violation of Ordinance's 1910 & 1750 "Excessive Growth")

Councilor Thames moved for the adoption and enrollment of Resolution No. 17-115. Councilor Gwaltney seconded the motion.

President Limbaugh asked if the Council had any questions or comments regarding the motion. There was no response from the Council.

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 04.07.17 – Public Hearing set for July 24, 2017 at 6:00 p.m. for a variance to the sign ordinance at 500 Woodcrest Place – Kim Wakefield/Greg Cobb/Building, Engineering and Zoning Department.

Councilor Smith stated that the Special Issues Committee met on July 17, 2017 and voted 5-0 to recommend dropping this Item but the Public Hearing had already been scheduled.

President Limbaugh asked if the Council had any questions or comments regarding the Planning and Development Committee's recommendation. There was no response from the Council.

President Limbaugh declared the Public Hearing opened.

President Limbaugh asked if there was anyone in the audience who wished to speak in favor of, or in opposition to, this Item. There was no response from the audience.

President Limbaugh declared the Public Hearing closed.

Councilor Smith moved to drop this Item. Councilor Thames seconded the motion.

President Limbaugh asked if the Council had any questions or comments regarding the motion. There was no response from the Council.

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 05.07.17 – Public Hearing set for July 24, 2017 at 6:00 p.m. for a variance to the sign ordinance at 1820 28th Avenue S – Diane Foley/Greg Cobb/Building, Engineering and Zoning Department.

Councilor Smith stated that the Special Issues Committee met on July 17, 2017 and voted 5-0 to send this item back to the full Council without recommendation pending the Public Hearing.

President Limbaugh declared the Public Hearing opened.

Mr. Greg Cobb addressed the Council and stated that they resubmitted another set of drawings and were now in compliance with the ordinance so he asked that the Item be dropped.

President Limbaugh asked if there was anyone in the audience who wished to speak in favor of, or in opposition to, this Item. There was no response from the audience.

President Limbaugh declared the Public Hearing closed.

Councilor Andress moved to drop this Item. Councilor Gwaltney seconded the motion.

President Limbaugh asked if the Council had any questions or comments regarding the motion. There was no response from the Council.

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 06.07.17 – Public Hearing set for July 24, 2017 at 6:00 p.m. for a variance to the sign ordinance at 234 Green Springs Hwy – Diane Foley/Greg Cobb/Building, Engineering and Zoning Department.

Councilor Smith stated that the Special Issues Committee met on July 17, 2017 and voted 5-0 to send this Item back to the full Council without recommendation pending the Public Hearing.

President Limbaugh declared the Public Hearing opened.

President Limbaugh asked if there was anyone in the audience who wished to speak in favor of, or in opposition to, this Item.

Mr. Matthew McBride of Scott Services Company and Mr. Greg Cobb addressed the Council. Mr. Cobb stated that this was for Harbor Freight and they had a sign on the front and rear of the building which were the same as what the Dollar General had so this was a size variance and a secondary attached sign.

Mr. McBride stated that this was the same issue they talked about last week and they were just looking for the same sign on the back and a size variance on the front.

Councilor Andress asked if this was the one that had the two different versions with one slightly smaller than the other one and asked to verify that this request was for the smaller version.

Mr. McBride replied yes.

President Limbaugh declared the Public Hearing closed.

President Limbaugh asked if the Council had any questions or comments regarding this Item.

Councilor Higginbotham stated that he understood the size variance on the front sign but he asked what the hardship was for the secondary sign on the back of the building.

Mr. McBride replied that it was for visibility from the interstate and stated that currently all the other businesses had that sign on the back and there was no visibility to the back so this would give them interstate visibility.

Councilor Higginbotham asked if they could separate the two variances into separate motions.

President Limbaugh replied no because it was one item.

At this time, Mr. Kendrick presented the following Resolution for the Council's consideration:

Resolution No. 17-116

(A Resolution for a variance to the sign ordinance at 234 Green Springs Hwy)

Councilor Smith moved for the adoption and enrollment of Resolution No. 17-116. Councilor Thames seconded the motion.

President Limbaugh asked if the Council had any questions or comments regarding the motion. There was no response from the Council.

On a voice vote, the motion carried on a 6-1 vote. Councilor Higginbotham voted no.

The next item on the Agenda under Old Business was Item No. 02.07.17 – Request for consideration to add a “No Thru Traffic of Local Traffic Only” sign on the Oxmoor end of Overton Road – John Holley and Barry Smith.

Councilor Wyatt stated that the Public Safety Committee met on July 17, 2017 and voted 4-0 to recommend installing on the Oxmoor end of Overton Road a “Local Traffic Only” sign but our Traffic Department could handle in-house.

President Limbaugh asked if the Council had any questions or comments regarding the Public Safety Committee’s recommendation. There was no response from the Council.

Councilor Wyatt then moved for installing “Local Traffic Only” sign handled in-house.

President Limbaugh asked if the Council had any questions or comments regarding the motion. There was no response from the Council.

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 10.07.17 – Public Hearing set for July 24, 2017 at 6:00 p.m. for consideration of a variance to the sign ordinance at 1745 Oxmoor Road – Ryan Stewart and Greg Cobb/Building, Engineering and Zoning Department.

Councilor Smith stated that the Special Issues Committee met on July 17, 2017 and voted 5-0 to send this Item back to the full Council without a recommendation pending the Public Hearing.

President Limbaugh declared the Public Hearing opened.

Mr. Greg Cobb addressed the Council and stated that this was for a height variance only and the area was fine. Mr. Cobb further stated that the ordinance allowed for height of three and a half feet and this was five and a half feet so it was a variance of two feet.

Councilor Smith asked to verify that there were no lights and was just a painted sign.

Mr. Stewart replied that it was a painted sign and if they had any lights it would just be lights down below.

President Limbaugh asked if there was anyone in the audience who wished to speak in favor of, or in opposition to, this Item.

Ms. Sandy Eichelburg at 500 Mayfair Circle addressed the Council and stated this was her back fence shown in the pictures so this was very close to her property and would be visible over her fence and she asked what the hardship was to have a sign this large. Ms. Eichelburg further stated that it was very difficult to pull out from Mayfair Circle onto Oxmoor Road and this could be a possible blockage of view there and she did not think it was necessary to have a sign that large so she would like to hear his hardship since that was required for the variance.

President Limbaugh asked Ms. Eichelburg how tall her fence was.

Ms. Eichelburg replied that the fence height was graduated and was about four and a half feet tall.

President Limbaugh stated that the sign would then be about one and a half feet over her fence.

Mr. Ryan Stewart replied that the property did have a couple of issues in terms of visibility which the sign was intended to address. Mr. Stewart further stated that the property sloped down from the street downhill so the sign was situated a good three feet off and down from the sidewalk which was adjacent from the street. Mr. Stewart added that, in addition, the building was set in the back of the property and downhill so there was no visibility in terms of putting a sign on the building so they were limited to a street sign. Mr. Stewart further added that the sign was set several feet from the road and did not create any visibility issues for traffic going east or west on Oxmoor Road.

President Limbaugh stated that the preference as a Council was monument signs as opposed to anything that was higher or larger than that but he had not been to the area to see what the sign might look like.

Councilor Smith stated that it was hard to tell what it would look like because there was nothing there right now but there used to be a sign there.

Mr. Cobb stated that a sign was there a few years ago for three attorneys.

Ms. Eichelburg stated that their sign was in compliance.

Mr. Cobb stated that he did not have the dimensions of the old sign but could look in the records if he needed to.

Councilor Smith stated that she did ask Mr. Cobb about the visibility issues because that was brought up in the committee meeting last Monday and he had been there

and did not believe it would cause a problem with traffic or pulling out from Mayfair Circle. Councilor Smith asked if there was any way to make the oval part a little smaller.

President Limbaugh asked if it would be possible to eliminate the green section between the phone number and the bottom of the circle.

Ms. Eichelburg stated that, speaking in behalf of the Mayfair Circle Association, they needed to address the neighbors with their hardship of why it needed to be this big. Ms. Eichelburg further stated that it could be longer with the same information with the circle on one end.

Mr. Stewart stated that one of the other issues that created a visibility issue and why they needed a little bit more height was because of the height of some of the landscaping at the neighborhood entrance because there were two trees in particular that were tall. Mr. Stewart further stated that coming west, because it was in a curve, they could not see anything because of the height of the landscaping at the neighborhood entrance.

Ms. Nancy Ferrell, President of the Mayfair Homeowners Association at 516 Mayfair Circle addressed the Council and stated that her concern was the sight issues leaving Mayfair Circle and entering onto Oxmoor Drive. Ms. Ferrell further stated that she knew that Mr. Cobb did a site plan but she knew that when she pulled up the cars on Oxmoor were going fast and they had to look both ways so she was concerned because until the sign went up they would not be sure how it would affect visibility. Ms. Ferrell added that she did not know why they had to go four feet over what the allowable size was.

Councilor Smith replied that they were not going over by four feet but just by two feet.

President Limbaugh stated that it was not their intent to correct her but it was just two feet over.

Councilor Smith stated that the ordinance allowed for three and a half feet and this sign would be five and a half feet, so it was just two feet over.

Ms. Ferrell stated that when leaving Mayfair and driving toward the Piggly Wiggly there were signs for businesses all along the way so if they started getting larger and larger they would open up the door for bigger and bigger signs and she did not think that was what Homewood was looking for. Ms. Ferrell further stated that they wanted boutique style or smaller signs like what they had allowed.

Ms. Genevieve Ward owner of Studio G Pilates addressed the Council and stated that they had been in business in Homewood for eight years and they were expanding and

the primary reason they chose the location was the increase in visibility that they would get from Oxmoor Road and due to the sloping and because the building itself was several feet beyond the road, to put a sign on the building did not accomplish their objective to let people know what they were doing because it was relatively progressive for Homewood so they would like to put that concept out there and have people be able to drive by there and spot that and recognize that. Ms. Ward further stated that they were afraid of investing in renting the property for five years, if they did not have a clear sign that really displayed what they were doing, people could drive past that road and circle around and miss it. Ms. Ward added that she did not see the "For Lease" sign on the building for several months because it was hidden behind bushes and it never crossed her visibility so they had gone back and forth several times and had been trying to work to create something that could be reasonable so the old ordinance was six feet high so the sign next to them was very high and theirs was significantly lower so they were trying to come in between that and the what the new ordinance allowed so that was the intention of why they designed the sign the way they did to create a monument sign and create visibility so people would recognize it.

President Limbaugh asked if the sign was four and half feet instead of five and half feet and the variance was only a foot, would that be something workable.

Ms. Ward replied that she wanted to say yes, but when compared to the other signs that surrounded it, it was very minimal and that was the main attraction for them and they were very close to signing the lease but they just needed to get through this step so she felt it would hurt them to have a smaller sign because the main attraction was the visibility they would be able to get from Oxmoor so she was concerned about it shrinking and not being seen.

President Limbaugh stated that he understood her concern but he also understood the visibility issue and he thought four and half would be less of a visibility issue.

Councilor Smith stated she was not a designer but worked with a lot of really good designers and she could take that sign and instead of it being so vertical it could be made a little more horizontal and keep the same width but take down the height a little bit and they could still accomplish what she was trying to accomplish and maybe avoid all the variance issues. Councilor Smith asked what was the maximum width allowed.

Mr. Cobb stated that size was based on square footage and the sign was allowed twenty-five square feet and this one was at twenty-two and half feet but the difference was that when a sign's height changed like what was seen on Oxmoor it was due to the width of the lot which was what it was based on so some of the taller signs were on bigger lots.

Councilor Smith asked to verify that this sign was smaller because their lot was thinner.

Mr. Cobb replied that was correct.

Ms. Eichelburg stated that she wanted to point out that the sign was very attractive and she understood that they wanted to get their message across but as people were driving they were not going to be able to read these three lines and watch what they were doing on Oxmoor Road as much traffic as there was so if they deleted those three lines perhaps the sign could come down some because unless someone was walking they would not be able to read them.

President Limbaugh stated that he tended to agree and one of the things they taught in marketing about billboards was that anything past about seven letters they could not be read but he did not think the Council's responsibility was to tell someone how to design their particular board. President Limbaugh further stated that he thought four and half feet would accomplish something for both sides.

President Limbaugh asked if there was anyone else in the audience who wished to speak in favor of, or in opposition to, this Item. There was no response from the audience.

President Limbaugh declared the Public Hearing closed.

President Limbaugh asked if the Council had any questions or comments regarding this Item.

Councilor Andress stated that she had to take into consideration the neighbors who were going to be directly affected by this.

Councilor Wyatt stated that he agreed with President Limbaugh that there was room for a compromise somewhere between what was currently designed and conforming to the ordinance but he was also concerned for the residents and that size sign on the lot.

Councilor Smith stated she agreed that there was room for a modified sign that would meet the ordinance and still accomplish what the business owner needed it to do which was draw attention to the business and get people in her parking lot but she thought there was a way it could be done to meet the ordinance requirements.

President Limbaugh stated that they could make a modified motion or they could send it back to the committee to look at another option.

Councilor Smith stated that she thought it would need to go back to committee so they could work with them to make sure it would get done the way they needed it.

Councilor Thames stated that if they wanted to proffer something now it may not need to go back to committee.

Mr. Stewart asked what he needed to do.

President Limbaugh stated that the Council members were reasonably comfortable with four and half feet.

Councilor Smith stated that she thought that a compromise in this situation was going to be more acceptable than trying for the original request.

Mr. Stewart stated that he could have the sign modified.

Councilor Andress asked if this compromise was acceptable to the Mayfair residents.

Ms. Eichelburg asked for clarification.

Councilor Smith replied that they had offered to make the sign a foot shorter so it would only be one foot over the allowable height.

Ms. Eichelburg stated that she thought it was an attractive sign but she wanted to be sure they could see when they pulled out onto Oxmoor Road.

Councilor Smith stated that Mr. Cobb had already verified that it would not be a problem.

At this time, Mr. Kendrick presented the following Resolution for the Council's consideration:

Resolution No. 17-117

(A Resolution for a variance to the sign ordinance at 1745 Oxmoor Road for a four and half foot sign)

Councilor Thames moved for the adoption and enrollment of Resolution No. 17-117. Councilor Gwaltney seconded the motion.

President Limbaugh asked if the Council had any questions or comments regarding the motion. There was no response from the Council.

On a voice vote, the motion carried without dissent.

The next item on the Agenda under Old Business was Item No. 13.07.17 – Request to authorize Mayor to enter into a contract with Intime Staffing for Contract Labor Work in the City – Mayor Scott McBrayer.

Councilor Smith stated that the Finance Committee met on July 17, 2017 and voted 4-0 to recommend approval of this Item after a presentation by Mayor McBrayer.

At this time, Mr. Kendrick presented the following Resolution for the Council's consideration:

Resolution No. 17-118

(A Resolution to authorize Mayor to enter into a contract with Intime Staffing for Contract Labor Work in the City)

Councilor Smith then moved for the adoption and enrollment of Resolution No. 17-118. Councilor Gwaltney seconded the motion.

President Limbaugh asked if the Council had any questions or comments regarding the motion. There was no response from the Council.

On a voice vote, the motion carried without dissent.

The next item considered under Old Business was Item No. 22.06.17 – Request for consideration to work in the public right-of-way at 1250 Columbiana Road – Sandie Owens/Greg Cobb/Building, Engineering and Zoning Department.

Councilor Smith stated that the Special Issues Committee met tonight, prior to the Council Meeting, and voted 4-0 to recommend approval for the right-of-way work with the proper indemnification agreements and the monument sign which was a variance to the number of signs on the property.

At this time, Mr. Kendrick presented the following Resolution for the Council's consideration:

Resolution No. 17-119

(A Resolution to approve work in the public right-of-way at 1250 Columbiana Road)

Councilor Smith then moved for the adoption and enrollment of Resolution No. 17-119. Councilor Wyatt seconded the motion.

President Limbaugh asked if the Council had any questions or comments regarding the motion. There was no response from the Council.

On a voice vote, the motion carried without dissent.

The next item considered under Old Business was Item No. 02.06.17 – Request for consideration of an ABC 070 – Retail Table Wine (Off Premises Only) license for Quality Wines LLC d/b/a Classic Wine Company located at 1831 28th Avenue S, Suite N110 – City Clerk (For new SOHO Location).

Ms. Salter stated that this Item had been carried over with the Public Safety Committee but the business needed them to move on this tonight.

Councilor Wyatt stated that it was carried over in committee and he did not know if they had received the information needed.

Mr. Greg Cobb addressed the Council and stated that Fire Marshall, Nick Hill sent an email this afternoon that the fire inspection found that all life safety issues were good and Mr. Pugh had given the tenet a temporary certificate of occupancy so he could move inventory and furniture but did allow them to open for business but the work should be completed by tomorrow and life safety issues had been addressed and the space was safe for inventory and employees.

Councilor Wyatt moved for having no objections to the issuance of the ABC 070 – Retail Table Wine (Off Premises Only) license for Quality Wines LLC d/b/a Classic Wine Company located at 1831 28th Avenue S, Suite N110. Councilor Gwaltney seconded the motion.

President Limbaugh asked the Council if they had any questions or comments regarding the motion. There was no response from the Council.

On a voice vote, the motion carried without dissent.

COMMITTEE REFERRAL AGENDA

- 14.07.17** Request for consideration to amend FY 16-17 Budgets –Berkley Squires, Public Services Director, Chief Tim Ross, Police Department, Chief John Bresnan, Fire Department, and Melody Salter, Finance Director/City Clerk– **Finance Committee**
- 15.07.17** Request for consideration to deposit Public Investment Funds with Iberia Bank –Mayor McBrayer and Melody Salter, Finance Director/City Clerk– **Finance Committee**
- 16.07.17** Request for consideration to increase the time limit for parking at 18th Street to 3 hours from 2 hours –Jennifer Andress and Andy Gwaltney– **P&D Committee**
- 17.07.17** Request for consideration to participate in the Jefferson County spotlight in the October issue of Alabama Magazine –Barry Smith/Hal Cain, Alabama Magazine)– **Finance Committee**
- 18.07.17** Request to add 800 sq. ft. minimum back to Sec. A of the NPD.

–Andy Gwaltney & Britt Thames – **P&D Committee/Planning Commission**

19.07.17 Request to add a straight light to an existing pole on the street across from the Lee Center– Andy Gwaltney & Britt Thames– **Public Safety and Finance Committees**

20.07.17 Request to set a Public Hearing and referral to the Special Issues Committee for consideration of a fence variance at 2920 Leland Dr. (PID 29-00-12-4-024.001.000) –Jacob Schueller/Vannesa McGrath, BEZ Dept) – **Special Issues Committee**

25.07.17 Request for presentation by Daniels Communities – Britt Thames – **Planning and Development Committee**

Councilor Andress moved to approve the Committee Referral Agenda as amended. Councilor Higginbotham seconded the motion.

President Limbaugh asked if the Council had any questions or comments regarding the motion. There was no response from the Council.

On a voice vote, the motion carried without dissent.

OTHER NEW BUSINESS

The next item on the Agenda under Other New Business was Item No. 20.07.17 – Request to set a Public Hearing for consideration of a fence variance at 2920 Leland Drive (PID 29-00-12-4-024.001.000) – Jacob Schueller/Vanessa McGrath/Building, Engineering and Zoning Department.

President Limbaugh stated that the Public Hearing would be set for August 14, 2017 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 21.07.17 – Request for consideration to set a public hearing to consider declaring the property located at 1500 Wellington Rd., PID# 29-00-13-4-002-001.000 a public nuisance due to a violation of Ordinance’s 1910 & 1750 “Excessive Growth” – Scott Cook, Code Enforcement/Police Department.

President Limbaugh stated that the Public Hearing would be set for August 14, 2017 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 22.07.17 – Request for consideration to set a public hearing to consider declaring the property

located at 1620 26th Ave So., PID# 28-00-07-2-014-010.000 a public nuisance due to a violation of Ordinance's 1910 & 1750 "Excessive Growth" – Scott Cook, Code Enforcement/Police Department.

President Limbaugh stated that the Public Hearing would be set for August 14, 2017 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 23.07.17 – Request for consideration to set a public hearing to consider declaring the property located at 1632 25th Ter. So., PID# 28-00-07-2-013-015.000 a public nuisance due to a violation of Ordinance's 1910 & 1750 "Excessive Growth" – Scott Cook, Code Enforcement/Police Department.

President Limbaugh stated that the Public Hearing would be set for August 14, 2017 at 6:00 p.m.

The next item on the Agenda under Other New Business was Item No. 24.07.17 – Request for consideration of approval of vouchers for period of July 10, 2017 through July 23, 2017 – City Treasurer/Finance Committee.

Councilor Smith stated that she reviewed all bills and had all questions answered by Ms. Salter.

At this time, Mr. Kendrick presented the following Resolution for the Council's consideration:

Resolution No. 17-120

(A Resolution approving vouchers for period of July 10, 2017 through July 23, 2017)

Councilor Smith moved for the adoption and enrollment of Resolution No. 17-120. Councilor Higginbotham seconded the motion.

President Limbaugh asked if the Council had any questions or comments regarding the motion. There was no response from the Council.

On a voice vote, the motion carried without dissent.

Councilor Thames stated that the Planning and Development would meet on August 7, 2017 at 5:00 p.m.

Councilor Smith stated that the Special Issues Committee would meet on August 7, 2017 at 5:30 p.m. and the Finance Committee would meet on August 7, 2017 at 5:45 p.m.

Councilor Wyatt stated that the Public Safety Committee would meet on August 7, 2017 at 6:15 p.m.

Councilor Andress stated that she wanted to congratulate Coach Tom Esslinger for being named the 2017 National High School Girls Track and Field Coach of the Year.

President Limbaugh stated that the Public Works Committee would meet on August 7, 2017 at 6:30 p.m.

There being no further business to come before the Council, the meeting was, on a motion duly made, adjourned at 6:56 p.m.